

Senate Amendment 3349

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1 1 Amend the House amendment, S=3334, to Senate File
1 2 344, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 7, by inserting after line 6 the
1 5 following:

1 6
1 7 PUBLIC WORKS CONTRACTS
1 8 Sec. ____ . NEW SECTION. 72.6 PUBLIC WORKS
1 9 PROJECTS == CONTRACTOR QUALIFICATIONS.

1 10 1. DEFINITIONS. As used in this section, unless
1 11 the context otherwise provides:

1 12 a. "Public owner" means a public body including
1 13 the state and a political subdivision of the state, an
1 14 officer, official, agency, authority, board, or
1 15 commission of the state or of a political subdivision
1 16 of the state, or an institution supported in whole or
1 17 in part by public funds.

1 18 b. "Public road project" means a project under the
1 19 control of a public owner for the construction,
1 20 maintenance, or repair of a road or street that is
1 21 funded, in whole or in part, by moneys from the road
1 22 use tax fund.

1 23 c. "Public works" means a building or other
1 24 construction work which is constructed under the
1 25 control of a public owner and is paid for in whole or
1 26 in part with funds of a public owner. "Public works"
1 27 does not include any work done by or on behalf of a
1 28 drainage or levee district or any work funded by
1 29 federal funds where federal procurement policy
1 30 applicable to the use of the federal funds is
1 31 inconsistent with the requirements of this section.

1 32 d. "Public works project" or "project" means the
1 33 construction, maintenance, or repair of public works.
1 34 However, "public works project" does not mean a public
1 35 road project.

1 36 2. QUALIFICATIONS OF BIDDERS. Prior to awarding a
1 37 contract to perform a public works project pursuant to
1 38 a competitive bidding procedure, which contract
1 39 authorizes the expenditure of twenty-five thousand
1 40 dollars or more in public funds, a public owner shall
1 41 tabulate all bids received and shall determine who is
1 42 the lowest responsible bidder by considering, in
1 43 addition to the amount of the bid, all of and only the
1 44 following:

1 45 a. The past experience of the bidder in the
1 46 performance of similar projects.

1 47 b. The qualifications of the bidder to perform the
1 48 type of work required by the contract.

1 49 c. The bidder's record of reliability and timely
1 50 completion of past projects.

2 1 d. Proof of the financial responsibility of the
2 2 bidder.

2 3 3. PROHIBITED CRITERIA. In determining who is the
2 4 lowest responsible bidder for purposes of awarding a
2 5 contract to perform a public works project or a public
2 6 road project, a public owner shall not do any of the
2 7 following:

2 8 a. Select a bidder based in whole or in part on a
2 9 consideration of whether the bidder's employees belong
2 10 to or are represented by a labor union or a labor
2 11 organization.

2 12 b. Require that the bidder selected enter into an
2 13 agreement that directly or indirectly limits or
2 14 requires the bidder to recruit, train, or hire
2 15 employees from a particular source to perform work on
2 16 the public works project or the public road project.

2 17 c. Require that the bidder selected enter into an
2 18 agreement that directly or indirectly requires the
2 19 bidder to offer particular types or amounts of health
2 20 insurance, life insurance, or disability insurance
2 21 coverage or retirement benefits to employees hired by
2 22 the bidder to perform work on the public works project
2 23 or the public road project.

2 24 4. BIDDING DOCUMENTS. The criteria described in
2 25 this section that are required to be considered by the

2 26 public owner in determining who is the lowest
2 27 responsible bidder shall be included in any document
2 28 requesting or inviting bids on public works projects
2 29 subject to this section.>
2 30 #2. Page 7, line 11, by inserting after the word
2 31 the following: 2 32 projects,>.
2 33 #3. By renumbering as necessary.
2 34
2 35
2 36 _____
2 37 RON WIECK
2 38
2 39
2 40 _____
2 41 JERRY BEHN
2 42
2 43
2 44 _____
2 45 HUBERT M. HOUSER
2 46
2 47
2 48 _____
2 49 KITTY REHBERG
2 50
3 1
3 2 _____
3 3 JAMES SEYMOUR
3 4 CHARLES W. LARSON, JR.
3 5 SF 344.710 80
3 6 ec/cl